

39

June 4, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner of Patents
Office of PCT Legal Administration
Crystal Plaza Two, 8th Floor
Box PCT, Washington D.C., 20231

ATTORNEYS AT LAW
C. IRVIN McCLELLAND
(703) 413-3000
IMCCLELLAND@OBLON.COM

Attn: PCT Legal Office

Re: Deposit Account # 150030

Attached is a refund request dated January 3, 2002. Credits were applied to our deposit account for serial number 08/722,144 in the amounts of \$710.00, \$160.00, and \$810.00. **There is still \$180.00 credit outstanding under fee code #117 (see attached paperwork).** Please note that a CPA was filed with a three-month extension of time. A check in the amount of \$890.00 was attached as payment for the extension of time. **Therefore, please issue a credit to our deposit account in the amount of \$180.00.**

A \$130.00 credit for a petition is also due for this application. As stated on page 2 of the attached Decision Granting Petition, "The petition fee of \$130.00 will be refunded to counsel's deposit account, No. 15-0030." **Note that although our deposit account shows a credit of \$130.00 on November 16, 2001, this credit offsets an incorrect charge of \$130.00 on September 17, 2001. Therefore, a credit of \$130.00 should be issued to our deposit account.**

Please review this file and refund \$310.00 to our deposit account #150030.

Thank you for your assistance. If you have questions concerning this request, please contact Debbie Noel at (703) 412-6296.

With best regards,

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.


C. Irvin McClelland

CIM/djn
Enclosures

2292-0038-0 PCT



ATTORNEYS AT LAW

C. IRVIN McCLELLAND
(703) 413-3000
IMCCELLAND@OBLON.COM

January 03, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner of Patents
Office of PCT Legal Administration
Crystal Plaza Two, 8th Floor
Box PCT, Washington D.C., 20231

Attn: PCT Legal Office

Re: Deposit Account
150030

Enclosed are copies of our Deposit Account Statements of 6/29/01 and 7/31/01. See the highlighted charges on Serial Number 08/722,144 for \$710.00 with fee code #131, \$160.00 with fee code #102, \$810.00 with fee code #103 and \$180.00 with fee code #117.

A CPA and Request for Three Months Extension of Time were filed on 6/27/01. The Fee for the Extension of Time was paid with our Check # 247664 dated 6/27/01 for \$890.00. The Filing Fees were not paid, and no authorization was given to charge our Deposit Account. See copies of filing papers and date stamped filing receipts of 6/27/01. As no authorization was given to charge our Deposit Account for this filing, we kindly ask for a refund of all charges. We now await a Notice to File Missing Parts.

Please refund a Total of \$1860.00 to Deposit Account #150030.

If you have questions concerning this request, please contact Beverly Davison at (703) 412-6452.

With best regards,

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

C. Irvin McClelland

CIM/bjd

*Reg. W. Beaman
pr: Harris
1/3/02*

*No net
to client
2967/8284*



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and
return top portion with your check. Make check
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JUL 13 2001

Account No.	150030
Date	6-29-01
Page	5

NORMAN F. OBLON

FINA

CRYSTAL SQUARE FIVE, SUITE 400
1755 S JEFFERSON DAVIS HWY
ARLINGTON VA 22202

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
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Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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6	29	01	69	08722144	2292-0038-0	131 <i>PST</i>	710.00	✓ 111218.71
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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT				OPENING BALANCE 25056.71	TOTAL CHARGES 32355.00	TOTAL CREDITS 117507.00	CLOSING BALANCE 110208.71	



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AUG 20 2001

Account No.	150030
Date	7-31-01
Page	1

NORMAN F. OBLON

FINA

CRYSTAL SQUARE FIVE, SUITE 400
1755 S JEFFERSON DAVIS HWY
ARLINGTON VA 22202

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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7	3	01	240	76278152		361	650.00	97281.71
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7	5	01	4	08685909		704	-40.00	87646.71

AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE

TOTAL CHARGES

TOTAL CREDITS

CLOSING BALANCE

OSK E

OSMM&N File No. 2292-0038-0 PCT

Dept.: Chemical

By: NFO:HAP:slf

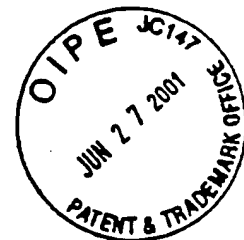
Serial No. 08/722,144

In the matter of the Application of: Masaji ISHIGURO et al

For: PENEM DERIVATIVES AND ANTIMICROBIAL AGENT
CONTAINING THE SAME

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification Claims/Drawings Sheets
- ☐ and pages Application Data Sheet
- ☐ Combined Declaration, Petition & Power of Attorney pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application Transmittal ☒ CPA
- ☐ Notice of Priority ☐ Priority Doc
- ☐ Check for ☐ Dep. Acct. Order Form
- ☐ Fee Transmittal Form
- ☐ Assignment/PTO 1595 pages:
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ Letter
- ☐ Amendment
- ☐ Information Disclosure Statement ☐ PTO-1449
- ☐ Cited References
- ☐ Search Report
- ☐ Statement of Relevancy ☐ Cited Pending Applications
- ☐ IDS/Related/List of Related Cases ☐ Election Response
- ☐ Restriction Response
- ☐ Rule 132 Declaration
- ☐ Petition for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☐ White Advance Serial Number Card
- ☐ Small Entity Status is Claimed
- ☐
- ☐



Due Date: 06/27/01

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))


☐ DUPLICATE

Address to:
**Assistant Commissioner for Patents
Box CPA
Washington, DC 20231**

Attorney Docket No.	2292-0038-0 PCT
First Inventor	Masaji ISHIGURO
Group Art Unit	1624
Examiner	M. Berch

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d)
(continued prosecution application (CPA)) of prior application number 08/722,144
filed on December 12, 1996 entitled PENEM DERIVATIVES AND ANTIMICROBIAL AGENT CONTAINING THE SAME

1. ☐ Enter the unentered amendment previously filed under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4)
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

CLAIMS	NUMBER FILED		NUMBER EXTRA	RATE	CALCULATIONS
TOTAL	65	MINUS 20	45	× \$18 =	\$810.00
INDEPENDENT	5	MINUS 3	2	× \$78 =	\$156.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS		+ \$260 =	\$0.00
				BASIC FEE	\$710.00
				TOTAL OF ABOVE CALCULATIONS	\$1,676.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity			\$0.00
				TOTAL	\$1,676.00

6. Small Entity Status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.
7. ☐ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 for the papers being filed herewith and for which no check is enclosed, or credit any overpayment to Deposit Account No. 15-0030.
☐ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time in the parent case. Any fees required for such an extension of time may be charged to Deposit Account No. 15-0030.
8. ☐ A check in the amount of _____ is enclosed.
9. ☒ Other: The Commissioner is NOT authorized to charge fees to our deposit account for the papers being filed herewith and for which no check is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 11/98)

Norman F. Oblon	
Registration No.	24,618
Harris A. Pitlick	
Registration No.	38,779

058 F

Dept.: Chemical

OSMM&N File No. 2292-0038-0 PCT

By: NFO:HAP:slf

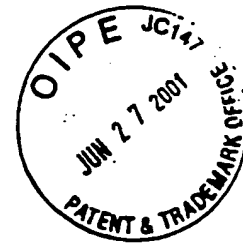
Serial No. 08/722,144

In the matter of the Application of: Masaji ISHIGURO et al

For: PENEM DERIVATIVES AND ANTIMICROBIAL AGENT
CONTAINING THE SAME

The following has been received in the U.S. Patent Office on the date stamped hereon:

- | | | |
|---|---|---------------------------------|
| <input type="checkbox"/> pp. Specification | Claims/Drawings | Sheets |
| and pages Application Data Sheet | | |
| <input type="checkbox"/> Combined Declaration, Petition & Power of Attorney | pages | |
| <input type="checkbox"/> List of Inventor Names and Addresses | | |
| <input type="checkbox"/> Utility Patent Application Transmittal | <input type="checkbox"/> CPA | |
| <input type="checkbox"/> Notice of Priority | <input type="checkbox"/> Priority Doc | |
| <input checked="" type="checkbox"/> Check for \$890.00 | <input checked="" type="checkbox"/> Dep. Acct. Order Form | |
| <input type="checkbox"/> Fee Transmittal Form | | |
| <input type="checkbox"/> Assignment/PTO 1595 pages: | | |
| <input type="checkbox"/> Letter to Official Draftsman | | |
| <input type="checkbox"/> Letter Requesting Approval of Drawing Changes | | |
| <input type="checkbox"/> Drawings | sheets | <input type="checkbox"/> Formal |
| <input type="checkbox"/> Letter | | |
| <input type="checkbox"/> Amendment | | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> PTO-1449 | |
| <input type="checkbox"/> Cited References | | |
| <input type="checkbox"/> Search Report | | |
| <input type="checkbox"/> Statement of Relevancy | <input type="checkbox"/> Cited Pending Applications | |
| <input type="checkbox"/> IDS/Related/List of Related Cases | | |
| <input type="checkbox"/> Restriction Response | <input type="checkbox"/> Election Response | |
| <input type="checkbox"/> Rule 132 Declaration | | |
| <input checked="" type="checkbox"/> Request for Extension of Time (Three Month) | | |
| <input type="checkbox"/> Notice of Appeal | | |
| <input type="checkbox"/> Brief | | |
| <input type="checkbox"/> Issue Fee Transmittal | | |
| <input type="checkbox"/> White Advance Serial Number Card | | |
| <input type="checkbox"/> Small Entity Status is Claimed | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |



Due Date: 06/27/01

Docket No. 2292-0038-0 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Masaji ISHIGURO et al

GAU: 1624

SERIAL NO: 08/722,144

EXAMINER: M. Berch

FILED: December 12, 1996

CPA FILED: Herewith

FOR: PENEM DERIVATIVES AND ANTIMICROBIAL AGENT CONTAINING THE SAME

**REQUEST FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

It is hereby requested that a three month extension of time be granted to **June 27, 2001** for

- ☐ filing a response to the Official Action dated:
- ☐ responding to the requirements in the Notice of Allowability dated:
- ☐ filing the Formal Drawings. The Issue Fee due has been timely filed.
- ☐ responding to the Notice to File Missing Parts of Application dated:
- ☒ filing a Notice of Appeal. A Continued Prosecution Application is being filed herewith
- ☐ filing an Appeal Brief. A Notice of Appeal was filed on:
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown below is reduced by one-half.

The required fee of \$890.00 is enclosed herewith by check and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 11/98)

Norman F. Oblon
Registration No. 24,618

Norman F. Oblon
Registration No. 38,779

OBLON, SPIVAK, McCLELLAND,
MAIER, & NEUSTADT, P.C.
CRYSTAL SQUARE FIVE-SUITE 400
1755 JEFFERSON DAVIS HWY.
ARLINGTON, VA 22202

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VIENNA, VA
68-760/560

247664
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0868

EIGHT HUNDRED NINETY AND 00/100 DOLLARS*****

DATE

AMOUNT ☐

6/27/01

\$890.00

PAY
TO THE
ORDER
OF:

COMMISSIONER OF PATENTS & TRADEMARKS

VOID IF NOT CASHED WITHIN 90 DAYS

2292-0038-0 PCT

EXTENSION OF TIME

DOCKET

TD Vartine

AUTHORIZED SIGNATURE

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⑆ 0000089000⑆



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Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
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Paper No. 37

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

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NOV 15 2001

OFFICE OF PETITIONS

In re Application of :
Ishiguro et al. :
Application No. 08/722,144 : DECISION GRANTING PETITION
Filed: 12 December, 1996 :
Attorney Docket No. 2292-038-0 :

This is a decision on the petition, filed on 26 September, 2001, requesting that a Notice of Improper CPA Filing Under 37 CFR 1.53(d), mailed on 26 July, 2001, be withdrawn.

The petition is GRANTED.

The above-identified application was filed on 12 December, 1996. On 9 July, 1999, a Continued Prosecution Application (CPA) was filed. On 10 February, 2000, however, a Notice to File Missing Parts of Application (CPA) was mailed, requiring the basic filing fee for the CPA. In reply, on 11 September, 2000, petitioners submitted the CPA filing fee along with a request and payment for a five (5) month extension of the time to reply to the "Notice." Subsequently, on 27 June, 2001, petitioners filed another CPA. In response, on 26 July, 2001, a Notice of Improper CPA Filing Under 37 CFR 1.53(d) was mailed, stating that the CPA filed on 27 June, 2001, was improper because the prior application was filed after 29 May, 2000.¹

Petitioners assert that the first CPA is entitled to a filing date of the date the CPA was deposited, 9 July, 1999, rather than the date the filing fee in the CPA was paid.

¹See 37 CFR 1.53(d).

Application No. 08/722,144

2

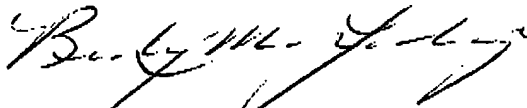
37 CFR 1.53(d)(2) states that the filing date of a CPA is the date on which a request on a separate paper for an application under 37 CFR 1.53(d) is filed. Therefore, the first CPA was filed on 9 July, 1999, and the second CPA was not improper.

The petition is granted. The "Notice of Improper CPA" mailed on 26 July, 2001, is vacated.

The petition fee of \$130.00 will be refunded to counsel's deposit account, No. 15-0030.

The application is being forwarded to Technology Center 1600 for further processing of the CPA filed on 27 June, 2001.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood (703) 308-6918.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy